

WARREN ZONING BOARD
Minutes
February 20, 2013

The regular meeting of the Warren Zoning Board was called to order at 7:05 pm by Chairman M. Gerhardt. Also present S. Calenda, P. Attemann, Vice Chairman A. Harrington and M. Emmencker. A. Ellis will be tardy.

Approval of Minutes January 16, 2013 meeting. It was moved by S. Calenda to accept the minutes. Seconded by P. Attemann. All in favor.

Old Business

Application #13-1; R & D Construction Co., Inc., owner, and Paul Sloan, applicant; 249 Child Street; Plat Map 10, Lots 171, 174 & 181

Special Use Permit from section 32-57

To operate a light assembly hobby shop with retail sales in a portion of the existing building.

It was moved by A. Harrington to move this application until later in the meeting, once A. Ellis arrives, this would be the first item to be heard. Seconded by S. Calenda. All in favor.

The meeting was called back to order at 8:02 after a 10 minutes recess. Present Chairman M. Gerhardt, S. Calenda, P. Attemann, Vice Chairman A. Harrington and M. Emmencker.

Giovanni D Cicione, Esq, 282 County Rd, Barrington, represented the applicant and owner who were also present and gave testimony

No Public Comment.

It was moved by S. Calenda to approve Application #13-1, Special Use Permit , for the change to light assembly, the applicant has presented his position, this business will compatible with the surrounding use of the neighborhood, that it will not cause any hardship to any of the existing businesses located in that area, the dirt track shall be subject to any approvals that would be required by the town, the operating hours shall not exceed 10:00 am – 7:00 pm, seven (7) days a week, any signs must be compatible with the current sign ordinance as determined by the Building Official and the Town Solicitor, a handicapped parking space is to be designated and lines to be painted, the special use permitted is for the use as hobby shop. Second by P. Attemann. All in favor.

Application #13-2; June J. Gibbs, Trustee, owner, and Michael Motta, applicant; 56 Shore Drive; Plat Map 17 Lots 33,32 & 31

Special Use Permit from section 32-74 of the *Warren Zoning Ordinance*

To construct an addition to existing garage, thereby expanding a legal non-conforming use and structure.

Application #13-3; June J. Gibbs, Trustee, owner, and Michael Motta, applicant; 56 Shore Drive; Plat Map 17 Lots 33,32 & 31

Variance from section 32-88(c),

To construct an addition to existing legal non-conforming garage that will be located in a front yard area.

Applicants not present.

It was moved by S. Calenda to table applications #13-2 & #13-3 to the end of the meeting. Second by A. Harrington. All in favor.

It was moved by A. Harrington to deny Applications #13-2 & #13-3, without prejudice as the applicants were not present. Second by S. Calenda. All in favor.

New Business

Application #13-4; LUK Chamber LLC, owner and Ali Kabli, applicant; 564 Metacom Ave; Plat Map 13E, Lots 10 & 11

Special Use Permit from section 32-51

To use a portion of the existing building as a restaurant/ice cream shop.

Applicant requested a continuance to the March meeting.

It was moved by A. Harrington to continue the Application #13-4, to March 20, 2013 as requested by the applicant. Second by S. Calenda. All in favor.

Application #13-5; Kenneth McNary, owner and applicant; 8 Shell Road; Plat Map 16 Lot 198

Variance from section 32-89

To install an OWTS to be located within 150' of a water body.

Nicholas Piampiano of Advanced Civil Design, Inc., Civil Engineers, 7 Countryside Lane, Scituate, RI, designer of the OWTS plans gave representation of the request for the owner.

No Public Comment

It was moved by A. Harrington to approve Application #13-5, Plat 16 Lot 198, Variance from section 32-89 to install an OWTS to be located within 150' of a water body although the actual distance is 80', conditional on the approval from CRMC. Second by S. Calenda. All in favor.

Application #13-6: Peter & Jennifer Rooks, owners and Sheridan Associates, applicant; 4 George Street; Plat Map 16, Lots 63 & 64

Variance from section 32-77

To construct a one story connection between the existing two story house and garage that will violate the rear and side yard setbacks and exceed the allowable lot coverage.

John Sheridan of Sheridan Associates, 64 Church St, Warren represented the application and request.

No Public Comment

It was moved by P. Attemann to approve Application #13-6, requesting dimensional variance, the residence is a single family home on a 10,000 sq. foot lot in an R40 district within the village overlay district, the owner wishes to build a one story connection between the existing two story house and existing garage, this connection creates three zoning issues that require variances, lot coverage where a

20 % coverage is required existing is 20.91% and the proposed is 24.23%, side yard setback where allowed setback is 15' existing garage is 5 ½', the rear yard setback allowable is 35' and the existing garage is at 29', which is congruent with the addition in the rear. Second by S. Calenda. All in favor.

Application #13-7; John Bento, owner and Nancy Serabian, applicant; 435 Child St; Plat Map 13B Lot 125

Special Use Permit from section 32-52 to use a portion of an existing building as a specialty service business (pet grooming) and retail.

Applicant John Bento, owner and Nancy Serabian, applicant requested a continuance to the March 20, 2013 meeting which will allow him to submit more complete details.

It was moved by A. Harrington to continue the application to the March 20, 2013 meeting as requested by the applicants. Second by P. Attemann. All in favor.

Application #13-8; D W Properties, owner and Bender Selections LTD, applicant; 426 Metacom Avenue; Plat Map 12 Lot 111& 118

Special Use Permit from section 32-55

To use a portion (approx. 775 sq. ft.) of the existing building for wholesale storage of non-flammable items.

Christopher Bender applicant represented the application and gave testimony.

It was moved by S. Calenda to approve Application #13-8, the applicant proposed to use a portion (approx. 775 sq. ft.) of the existing building for wholesale storage, finding of fact through the applicants testimony it will meet the four standards the board has used, there being no objections from the public, the application should so move forward. Second by A. Harrington. All in favor.

Application #13-9; Kenneth Palumbo, owner and Michael Bizier, applicant; 47 Shore Drive; Plat Map 17 Lot 41

Variance from section 32-77

To construct a one story addition to the front and side of existing house that will violate front and side yard setbacks.

Kenneth Palumbo, owner along with Holly Beckman, architect on the project, gave presentation of the request.

Public comment: Mary Ann Gresti, an architect, representing her clients of 39 & 45 Shore Rd, in general they support the application however they would like the approval to be contingent on maintaining the vegetative buffer, that this not just be intentional but that it is a requirement. She also noticed when looking at the application that there still seems to be some work represented in the drawings on the second floor. She inquired if the work to be is as drawn being what was approved before, there is a dormer showing on the second floor and would like to be on the record as inquiring if that is under review, because these drawings represented work on the second floor as well as the work being considered tonight.

It was moved by S. Calenda to approve Application #13-9, the applicant seeking relief from section 32-77, having clarified the setbacks and side yard issues will be addressed, conditional on the natural vegetative buffer will be maintained and not removed, also for clarification the height of the ridge are in compliance

with the zoning ordinance and will not exceed the allowable height. Second by A. Harrington. All in favor.

Chairman M. Gerhardt called for a 10 minute recess at 7:52pm.

Administrative Matters

Consideration of items for future agendas - NONE

Adjourn It was moved by S. Calenda to adjourn the meeting at 8:42 pm. Second by A. Harrington . All in favor.

Respectfully submitted,

Rhonda Lee Fortin
Secretary